

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(sparta01.019)

5 **Applicant:** Flam, et al. **Confirmation No:** 4594

Application No: 10/715,278 **Group Art Unit:** 2115

Filed: 11/17/03 **Examiner:** Cribbs, Malcolm D.

10 **Title:** *Techniques for reconfiguring configurable systems*

Commissioner for Patents
15 Alexandria, VA 22313-1450

Response to a non-final Office action under 37 C.F.R. 1.111

Summary of the prosecution

20 The application was filed with claims 1-26. Of these claims, claims 1, 19, and 26 are independent claims. Examiner mailed a first Office action in this application on 3/30/2006. In the Office action, claims 12,4,7-9, 11 and 17 were rejected under 35 U.S.C. 103(a) as obvious over the combination of Applicants' admitted prior art (henceforth AAPA) and U.S. Patent 7,000,229, Gere, *Method and system for live*

25 *operating environment upgrades*, filed Jul. 24, 3002 (henceforth "Gere"); claims 2,3,5,6,10, 12-16 were rejected under 35 U.S.C., 103(a) as obvious over the combination of AAPA, Gere, and U.S. Patent 6,792,556, Dennis, *Boot Record Recovery*, filed May 31, 2000 (henceforth Dennis).

30 On June 27, Applicants' attorney requested an interview in the above application, which Examiner graciously granted on Thursday, June 29 at 1:00 PM. A draft of a response traversing the rejections was faxed to Examiner in advance of the interview and formed the basis of the discussion at the interview. No agreement was reached at the interview, but Examiner requested that a response incorporating the draft be filed. Applicants did

35 this and Examiner mailed a second non-final Office action on 7/26/2006

In the second non-final Office action, Examiner rejected all claims under 35 U.S.C. 103. Claims 1, 4, 7-18 were rejected on the basis of the combination of the AAPA with a new reference, U.S. published patent application 2004/0015508, Anonsen, *Object-level conflict detection in an object-relational database system*, filed 7/22/2002. Claims 2-3, 5, 6 were rejected on the basis of the combination of AAPA with Anonsen and Dennis. Claims 19-26 were rejected on the same basis. In their response, filed 26 October, 2006, Applicants amended claims 2 and 5 to prevent any misunderstanding of the meaning of the term "snapshot" as used in the claims and traversed the rejections.

Examiner mailed a third non-final Office action in the application on 29 January 2007 in which he rejected claims 1-9, 11, 17, and 19-26 under 35 U.S.C. 103(a) as obvious over the combination of two new references, Nixon, et al., US patent 6, 687,698 (henceforth Nixon) and Brown, et al., US Patent 3,886,525 and objected to claims 10, 12-14, 16, and 18 on the grounds that they were dependent from the rejected claims.

Applicants are canceling dependent claims 13 and 24 and amending independent claim 1 to include the limitation of claim 13 and claim 19 to include the limitations of dependent claim 24, are rewriting claim 26 as a dependent Beauregard claim which is dependent from claim 1, and adding a new independent claim 27 which includes the limitations of claims 17 and 18. Applicants are making these amendments solely to gain rapid allowance of the present application. They are not conceding that the new references render the unamended claims obvious and specifically reserve their right to file a divisional of the present application which contains the unamended claims.

Please amend the claims as follows: